

sometimes in the case of widowers. They are said to have been ~a very ancient custom in Provence.¹ This might mean that opposition to second marriages was due to Manichasan doctrines which were widely held in that region. The customs of popular reprobation were, however, very widespread, and nowadays amongst us the neighbors sometimes express in this way their disapproval of any sex relations which are in any way not in accord with the mores. In the Salic law it was provided that any woman, who married a second time must do so at night.² The other laws of the barbarian nations contain evidence of disapproval.³ Innocent III ruled, in 1213, that a man did not incur the ecclesiastical disabilities of second marriage, "no matter how many concubines he might have had, either at one time or in succession."⁴ The mediaeval *coutumes* of northern France are indifferent to second marriages.⁵ The ancient German custom approved of the self-immolation of a widow at her husband's death, but did not require it. The remarriage of widows was not approved and the widows did not desire it. This was a consequence of the ancient German notion of marriage, according to which a wife merged her life in that of her husband for time and for eternity.⁶ The usage, however, was softened gradually. The widow got more independence, and more authority over her children and property, over the marriage of her daughters, and at last the right to contract a second marriage after a year of mourning.⁷ In England, in the eleventh century, a widow's dower could not be taken to pay her husband's taxes, although the exchequer showed little pity for anybody else. The reason given is that "it is the price of her virginity."⁸

The later law also exempted a wife's dower from confiscation in the case of any criminal or traitor.⁹ In the seventeenth and eighteenth centuries, in France, "a period in which, perhaps, people supported widowhood less willingly than in any other," the actual usages departed from the acknowledged standards of right and

¹ Jolly, *Seconds Mariages*^ 194.

⁶ Tacitus, *Germ.*, 19.

² *Ibid.*, 177.

⁷ Stammler, *Stellung der Frauen*

im a'lten

⁸ *Ibid.*, 193.

Deutschen Recht, 37.

* Lea, *Sacerd. Celib.*, 283.

⁸ *Dialog, of the Exchequer*> B 2,

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⁶ Jolly, *Seconds Mariages*, 193.⁹ Pike, *Crime in England*^ 1, 428.